

REMARKS/ARGUMENTS

Claim 1 has been amended to further recite downloading at least one game that are available for downloading and executing the at least one game after the downloading in order to independently determine an outcome of the game (see, for example, operation 175 shown in Figure 10, page 23 of the specification, and claim 16).

In the Final Office Action, the Examiner has rejected claims 6-7, 9-13, 14, 15-19, 20-21, 22-24, 39-43, and 47-66 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0027639 (*Peterson et al.*) in view of U.S. Patent Application Publication No. 2003/0003988 (*Walker et al.*), U.S. Patent No. 6,345,297 (*Grimm et al.*), and U.S. Patent No. 6,638,170 (*Crumby*). The Examiner's rejection of claims is fully traversed below.

More particularly, the Examiner has asserted that *Walker et al.* teaches a controller programmed to determine a value payout associated with an outcome of a game (Final Office Action, page 4, citing paragraph 47 of *Walker et al.*). It is noted that a gaming device "may follow a process to generate an outcome" (*Walker et al.*, paragraph 47). However, it is respectfully submitted that the mere allegation that generating an outcome by a gaming device is known does not address the claimed feature of: *determining a value payout associated with an outcome of a game based on gaming data received from a selected casino gaming server* (claim 6). Accordingly, it is respectfully submitted that the Finality of the rejection is improper and should be withdrawn.

Furthermore, it is respectfully submitted that the Examiner has not established a *prima facie* case obviousness because the Examiner has failed to provide a factual basis that supports the obviousness rejection because the desirability of creating a more exciting and appealing game does not in itself teach the specific claimed feature of: *determining a value payout associated with an outcome of a game based on gaming data received from a selected casino gaming server*.

Moreover, the teaching of *Peterson et al.* is in conflict with a client machine that determines a value payout as *Peterson et al.* clearly teaches that "[T]he server then evaluates the performance of all participants and determine a skill level for each participant" (*Peterson et al.*, Abstract). As such, it is respectfully submitted that

Peterson et al. cannot be combined with *Walker et al.* to teach the claimed invention recited in claim 6.

Still Further, it is respectfully submitted that claim 6 recites features that render patentable over the cited art for additional reasons. More specifically, it is respectfully submitted that the cited art does not teach or suggest: *independently determining a value payout associated with an outcome of a game based on the execution of the game on a gaming apparatus after selecting the game from available games from gaming servers and downloading the gaming data for execution of the gaming apparatus* (claim 6). Accordingly, it is respectfully submitted that claim 6 is patentable over the cited art for this additional reason.

Based on the foregoing, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P213). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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